

Washington, DC — In 2007, the Supreme Court handed down a 5-4 decision, *Ledbetter v. Goodyear*, which makes it much harder for workers to pursue pay discrimination claims, ruling that since Lilly Ledbetter had not filed her charge of pay discrimination within 180 days of her employer's decision to pay her less, she could not receive any relief. Congressman Joe Sestak (PA-07) was an original cosponsor of, and helped the House pass by a 247-171 margin, the Lilly Ledbetter Fair Pay Act, which would rectify this decision and restore the standard interpretation of Title VII of the Civil Rights Act.

"This bill will help workers who have suffered discrimination and help prevent it from occurring," said the Congressman. "To put an arbitrary limit on when employees can file charges regarding discrimination places an unfair burden on the employees who may not be aware of their rights. This is an easy thing for us to fix and important for gender equality in the workplace. I was disappointed that despite our successful effort to get this legislation through the House last term, the bill did not make any more progress. I urge my colleagues in the Senate to consider this measure promptly."

In 2007, the Supreme Court handed down a 5-4 decision, *Ledbetter v. Goodyear*, which makes it much harder for workers to pursue pay discrimination claims. The Court ruled that since Lilly Ledbetter, a long-time employee of Goodyear, had not filed her charge of pay discrimination within 180 days of her employer's decision to pay her less, she could not receive any relief.

This bill simply restores the standard interpretation of Title VII of the Civil Rights Act. Under precedent and the interpretation of the EEOC, every paycheck resulting from an earlier discriminatory pay decision is considered a violation of the Civil Rights Act. Therefore, as long as a worker files within 180 days of a discriminatory paycheck, their charges are considered as timely.

If allowed to stand, this Supreme Court decision would severely limit the rights of employees who have been discriminated against in pay, on the basis of sex, race, color, national origin or religion. The Supreme Court ruling limits the ability of workers to sue companies for pay discrimination would dramatically reorder the legal landscape for workers and employers – significantly disadvantaging workers.

Contrary to opponents' claims, the bill does not eliminate the statute of limitations. Under this

bill, an employee must still file a charge within the statutory filing period after receiving a discriminatory paycheck. Moreover, employees have no incentive to sit on their rights. The bill maintains Title VII's limitation of two years for back pay recovery. The longer an employee waits, the more back pay is rendered unrecoverable.

The bill provides that its clarification on discriminatory pay violations under the Civil Rights Act also applies under other statutes as well. It makes clear that every paycheck resulting, in whole or in part, from an earlier discriminatory pay decision in addition to constituting a violation of Title VII of the Civil Rights Act, also constitutes a violation of the Americans with Disabilities Act, the Rehabilitation Act, and the Age Discrimination in Employment Act.

In his first term, the Congressman took many steps to make progress on key women's issues, including the unjust treatment of women-owned businesses. In September he hosted a forum and fair at Pennsylvania State University's Brandywine Campus to provide information and resources to local businesswomen. The event incorporated business owners, entrepreneurs, and employees in a panel discussion, with an opportunity for attendees to ask questions about ways to enhance their careers. Following the panel, a service fair featured representatives from federal, state and local government agencies, chambers of commerce, microlenders and credit counseling organizations.

This event complemented the District's first Women's Summit, which brought House Small Business Committee Chairwoman Nydia Velazquez to Bryn Mawr to preside over an official Committee Field Hearing on "Challenges Facing Women Small Business Owners." The hearing was followed by two one-hour panels on issues facing women in the workplace and "success strategies." In addition, the Congressman brought together women from seven local businesses, in addition to officials from the Greater Philadelphia Women's Small Business Development Center, Chester Microenterprise and the federal Small Business Administration, for a roundtable discussion on ways the government can provide better services to businesswomen.

"Women business owners do not receive their fair share from the government and it is my job to give my constituents the access they deserve," said Congressman Sestak. "Between 1997 and 2006, majority women-owned businesses experienced a growth rate nearly twice that of the national average. Yet the more than ten million women-owned firms that make up more than 40 percent of all private businesses in this country receive 3.3 percent of Federal contracts. This forum was a great opportunity for my constituents to network, learn about new resources and discuss the challenges facing female entrepreneurs."

As the Vice-Chairman of the House of Representatives Small Business Committee,

Congressman Sestak worked on a number of key pieces of legislation to help his constituents. To specifically aid businesswomen, he supported the SBA Women's Business Programs Act, revising the funding formula for Women Business Centers and requiring the National Women's Business Council (NWBC) to conduct a study of the challenges facing women entrepreneurs, with a biannual report on its progress.

Congressman Sestak advocated for other priorities for women, including breast cancer research as he supported increased funding for a Department of Defense peer-reviewed breast cancer research program, as well as a \$65 million increase in the National Institute of Health budget for breast cancer treatment, and brought together breast cancer survivors and patient care advocates for a discussion to consider the challenges to appropriate care faced by patients, family members, and treatment providers, and explore need changes in legislation. Furthermore, the Congressman worked for full funding for Violence against Women Act (VAWA) programs in the Department of Health and Human Services and Department of Justice.

Additional actions taken by the Congressman to benefit women in business include:

- Introducing the SBA Trade Programs Act, which helps entrepreneurs overcome dislocations due to global trends through outreach centers, including Women's Business Centers.
- Introducing a contract unbundling amendment to the Small Business Fairness in Contracting Act requiring large federal mega-contracts to undergo a bundling analysis to create more opportunities for small businesses. He also submitted an amendment to require market research for Department of Defense contracts greater than \$1 million in value.
- Introducing the Small Business Entrepreneurial Development Programs Act to enhance two critical Small Business Administration (SBA) Entrepreneurial Development programs: Small Business Development Centers (SBDCs), including Women Business Development Centers, and the Service Corps for Retired Executives (SCORE).
- Voting for the Small Business Contracting Program Improvements Act, which makes changes to the Small Business Administration's federal contracting programs that will open up new opportunities for small businesses, including women, veteran and minority-owned firms.
- Voting for the Small Business Lending Improvements Act, which provides small businesses with tools to encourage entrepreneurial innovation, including making 7(a) loans more economical. Although it is the goal of the federal government to have 23 percent of its contracts go to small businesses, only 6.7 percent of government contracts in Pennsylvania's Seventh District go to small businesses.
- Voting for the Small Business Investment Expansion Act, which reforms SBA programs to assist small business owners with obtaining investment capital necessary to start or grow their operations and improves access to venture capital and angel investments for these entrepreneurs.
- Sponsoring a Women in Business Advisory Committee made up of 16 professional business

women from our community.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.

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